

McGREGOR W. SCOTT
United States Attorney
SAMUEL WONG
Assistant U.S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2772

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR. S-97-381 FCD
)	
Plaintiff,	)	STIPULATION AND ORDER
	)	CONTINUING HEARING DATE ON THE
v.	)	UNITED STATES' DESTRUCTION OF
	)	EVIDENCE SEIZED FROM DEFENDANT,
BRYAN JAMES EPIS,	)	AND SETTING BRIEFING SCHEDULE
	)	ON THE UNITED STATES' MOTION
Defendant.	)	FOR: (1) RECONSIDERATION OF
	)	COURT ORDER TO ALLOW
	)	DEPOSITIONS; AND (2) AN ORDER
	)	TO PRECLUDE THE ISSUANCE OF
	)	SUBPOENAS ON THE ISSUE OF THE
	)	DESTRUCTION OF EVIDENCE SEIZED
	)	FROM DEFENDANT

Date: March 27, 2006
Time: 9:30 a.m.
Court: Hon. Frank C. Damrell

Whereas, there is a non-evidentiary hearing presently set on
March 27, 2006, on law enforcement's destruction of evidence
seized from defendant Bryan James Epis;

Whereas, plaintiff United States of America intends to file
a motion seeking reconsideration of any court order allowing Epis
to take the depositions of any witness who has knowledge of law
enforcement's destruction of evidence seized from Epis, and also
to preclude the issuance of subpoenas or, in the alternative, to

quash any subpoenas that are issued, for information on the
destruction of evidence seized; and

Whereas, the parties desire to continue the presently set
March 27, 2006, hearing and consolidate it with hearing on the
United States' motion,

It is hereby stipulated by and between the parties, through
their respective counsel, that:

1. The United States shall file its motion by March 27,
2006;
2. Defendant's response shall be due by April 19, 2006;
3. The United States shall file its reply, if any, by May
3, 2006;
4. The hearing presently set for March 27, 2006, shall be
continued to May 22, 2006, at 9:30 a.m., at which time
the Court will also conduct the hearing on the United
States' motion. In the event that the Court determines
that an evidentiary hearing is necessary, an
evidentiary hearing for a later date shall be set at
that May 22, 2006, hearing.

Dated: March 24, 2006

McGREGOR W. SCOTT
United States Attorney

By: /s/ Samuel Wong

SAMUEL WONG
Assistant U.S. Attorney

Dated: March 24, 2006

/s/ Brenda Grantland

BRENDA GRANTLAND
Attorney for defendant
Bryan James Epis (per email
authorization on 3/24/06)

ORDER

The Court having received, read, and considered the above stipulation of the parties, and good cause appearing therefrom,

The Court hereby adopts the stipulation of the parties in its entirety as its order.

It is so ORDERED.

Dated: March 27, 2006

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge